

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KRISTOFFER GRADDY,

Petitioner,

Civil Number: 06-CV-10256
Criminal Number: 03-80047-01

v.

HONORABLE AVERN COHN

UNITED STATES OF AMERICA,

Respondent.

_____ /

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING MOTION UNDER 28 U.S.C. § 2255**

This is a habeas case under 28 U.S.C. § 2255. Petitioner Kristoffer Graddy, a federal prisoner convicted of distribution of cocaine and serving 70 months imprisonment, claims he is incarcerated in violation of his constitutional rights. Petitioner specifically claims that his sentence violates the Supreme Court's holding in United States v. Booker, 543 U.S. 220 (2005). The matter was referred to a magistrate judge for a report and recommendation (MJRR). The magistrate judge recommends that the motion be denied because Petitioner failed to comply with the one-year statute of limitations. Petitioner has not filed objections to the MJRR.

Accordingly, the findings and conclusions of the MJRR are adopted as the findings and conclusions of the Court. Petitioner's motion under § 2255 is DENIED.

SO ORDERED.

Dated: May 2, 2006

s/Avern Cohn

AVERN COHN
UNITED STATES DISTRICT JUDGE

Proof of Service

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 2, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160